

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

\*\*\* FILED \*\*\*  
05/07/2001

04/13/2001

CLERK OF THE COURT  
FORM V000A

HONORABLE MARK R. SANTANA

D. Glab  
Deputy

CV 2000-007527

FILED: \_\_\_\_\_

CINDY NELSON

J WILLIAM MOORE

v.

MARCIA D CHRISTENSEN

THOMAS J SHORALL JR

MINUTE ENTRY

1:37 p.m. In chambers. This is the time set for oral argument on Plaintiff's Motion to Continue Trial. Plaintiff is represented by counsel, J. William Moore. Defendant is represented telephonically by Scott Zerlot.

Court Reporter, Linda Lopez, is present.

Oral argument is held.

IT IS ORDERED vacating the trial date of May 1, 2001.

IT IS FURTHER ORDERED **SETTING A FIRM (JURY) TRIAL** in this matter for:

**Tuesday, September 25, 2001 at 9:30 a.m.**

**BEFORE:**

**HONORABLE MARK R. SANTANA  
SUPERIOR COURT OF ARIZONA**

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EAST COURT BUILDING  
101 WEST JEFFERSON  
COURTROOM 413 - FOURTH FLOOR  
PHOENIX, ARIZONA 85003  
602 506-6849

THIS IS A FIRM TRIAL SETTING.

**CLOSURE OF DISCOVERY AND MOTIONS**

A. **PRETRIAL MOTIONS**

All pretrial motions, other than motions in limine shall be filed no later than 60 days before trial.

B. **DISCOVERY CUTOFF**

All discovery shall be completed 60 days or more before the date set for trial and no discovery done after that date, whether on stipulation or not, shall be used at trial unless the Court enters a written Order permitting such discovery.

**PRETRIAL MANAGEMENT CONFERENCE**

Pretrial Management Conference (PTMC) is set on September 18, 2001 at 8:45 a.m. in this division. TIME ALLOTED: 15 minutes.

At the PTMC, counsel shall be prepared to discuss:

- A. Time Limits in voir dire, opening statements, examination of witnesses and closing arguments.
- B. Stipulations for the foundation and authenticity of exhibits.

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- C. Jury instructions (preliminary and final), juror notebooks (counsel shall bring any proposed jury notebooks to the conference), mini-opening statements and voir dire.
- D. Agreed-upon deposition summaries and excerpts from deposition transcripts and the editing of videotaped depositions.
- E. Use of "short trial" or summary jury trial.
- F. Any special scheduling or equipment issues.
- G. Status of settlement of the case.

**COUNSEL WHO WILL BE THE TRIAL LAWYERS ON THE CASE ARE  
REQUIRED TO ATTEND THE PRETRIAL MANAGEMENT CONFERENCE.**

**FAILURE OF TRIAL COUNSEL TO ATTEND THE PRETRIAL MANAGEMENT  
CONFERENCE MAY RESULT IN PERSONAL SANCTIONS.**

**II. JOINT PRETRIAL STATEMENT**

The Joint Pretrial Statement (JPTS) in accordance with Rule 16(d), A.R.Civ.P., is due in this division by 5:00 p.m., five (5) judicial days before the PTMC (or trial), if no PTMC is set).

In addition to the information required by A.R.Civ.P. Rule 16(d), counsel are to identify in/with the JPTC all deposition or other transcribed testimony that may be offered at trial. The proposed testimony is to be identified by reference to page and line numbers. Objections, if any, to such testimony, and the reasons for such objections, are also to be set forth.

Also, with the JPTS, counsel shall deliver to this division, copies of the following:

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- A. Proposed voir dire questions.
- B. A joint set of agreed-upon preliminary and final jury instructions.
- C. Separate sets of requested instructions that have not been agreed upon. Please read Rosen v. Knaub, 175 Ariz. 329, 857 P.2d 381 (1993), and the RAJI Civil 3d Statement of Purpose and Approach before preparing the request for non-RAJI instructions.
- D. Proposed Findings of Fact and Conclusions of Law, if a request has been or will be filed. If no proposed Findings of Fact and Conclusions of Law is received, the request shall be deemed waived.
- E. A jointly-completed time and witness estimate form (attached to this minute entry for mailing to the parties only). The Court will use the form to predict the length of the trial for the jurors and to direct counsel to follow the trial time limits established.
- F. In jury trial cases the parties shall jointly prepare a brief summary of the case which the Court will read to the jury at the commencement of voir dire.

**NOTE: This Court holds trial Tuesday through Friday. Generally, the daily hours are:**

- \* 9:30 a.m. to 12:00 noon.
- \* 1:30 p.m. to 4:15 p.m.

**III. MOTIONS IN LIMINE**

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Any motions in limine shall be filed thirty (30) days before the PTMC (or trial, if no PTMC is set) and such motions must meet the test of State v. Superior Court, 108 Ariz. 396, 397, 499 P.2d 152 (1972): "The primary purpose of a motion in limine is to avoid disclosing to the jury prejudicial matters which may compel a mistrial." See also, Ariz. Rules of Evidence, Rule 103(c). A written response to a motion in limine may be filed no later than ten (10) days thereafter. The Court will rule on the motions in limine without oral argument. If the Court wishes to hear argument, the argument will be heard at the PTMC (or the morning of trial if no PTMC is set). No replies shall be filed.

VI. **MARKING EXHIBITS**

At least five (5) judicial days before the trial, the trial lawyers or their knowledgeable assistants shall appear in this division to present all exhibits.

VII. **SETTLEMENT**

If the case is set for a jury trial one day's jury fees will be assessed unless the Court is notified of settlement before 2:00 p.m. on the judicial day before trial.

If the parties wish a settlement conference under Rule 16.1, Arizona Rules of Civil Procedure, they are to file a request with the Court whereupon a Judge Pro Tem will be appointed by DRAO. Alternatively, the parties are encouraged to hire their own mediator to conduct a conference at a time and place convenient to the parties.

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Witness Information Form

	WITNESS NAME	DIRECT	CROSS
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

DIRECT & CROSS TOTAL:\_\_\_\_\_

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WITNESSES FOR DEFENDANT(S)

	WITNESS NAME	DIRECT	CROSS
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

DIRECT & CROSS TOTAL: \_\_\_\_\_

TOTAL WITNESS TIME ESTIMATE: \_\_\_\_\_

TIME ESTIMATE FOR:	PLAINTIFF		DEFENDANT
OPENING STATEMENT			
CLOSING ARGUMENT	1 <sup>st</sup> :	2 <sup>nd</sup> :	

A record of the proceedings may be made by video tape in lieu of a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may give the Court a blank, previously unused video tape at least fifteen (15)

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minutes before the hearing and a copy will be made at no cost. A specific type of video tape must be used for this system in order to ensure the most reliable record: Fuji Super HG 120 (VHS) (SNG T-120) or equivalent. If the proceedings last for more than one day, a new tape must be provided each day. For the convenience of the parties, the store in the courthouse cafeteria sells the appropriate videotape. Should an official transcript be required, you may request that the Court prepare it. The party ordering the transcript must pay for it. With this new technology, a court reporter is likely not required and the parties are encouraged to experience the Court's video recording system before requesting a court reporter. If a court reporter is required, a written request must be received by the Court at least 48 hours before the commencement of the proceeding.